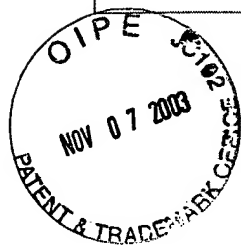


NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES

Attorney Docket No.:
IMARX1110



RECEIVED
NOV 14 2003
TECH CENTER 1600/2900

In re Application of: Evan C. Unger

Application No:
09/413,110

Filed: October 6, 1999

For: METHODS FOR DELIVERING BIOACTIVE
AGENTS

Group Art Unit: 1617

Examiner: S. J. Sarareh

Applicants hereby appeal to the Board of Appeals from the decision dated June 4, 2003 of the Examiner rejecting claims 116-131, 138-141, 146-151, 160, 164, 168-174 and 178-185.

| | | | |
|----|-------------------------------------|--|----------|
| 1. | <input checked="" type="checkbox"/> | Appeal Fee (37 C.F.R. 1.17(b)) | |
| | | other than small entity | \$330.00 |
| | <input checked="" type="checkbox"/> | small entity | \$165.00 |
| | | verified statement attached | |
| | | verified statement previously filed on _____ in U.S. Application No. _____. | |

| | | | | | | | |
|----|-------------------------------------|---|-------------------------------------|----------|--|----------|------------|
| 2. | <input checked="" type="checkbox"/> | A petition and fee for an extension of time for reply to the rejection is attached. | | | | | |
| | | Extension Fee (37 C.F.R. 1.17(a)) | | | | | |
| | | other than small entity | | | | | |
| | | \$110.00 | | \$420.00 | | \$950.00 | \$1,480.00 |
| | <input checked="" type="checkbox"/> | small entity | | | | | |
| | | verified statement attached | | | | | |
| | | verified statement previously filed on _____ in U.S. Application No. _____. | | | | | |
| | | \$55.00 | <input checked="" type="checkbox"/> | \$210.00 | | \$475.00 | \$740.00 |

11/10/2003 JBALINAN 00000041 09413110

01 FC:2401

165.00 OP

| | | |
|----|---|--|
| 3. | X | A check for the sum of \$375.00 is enclosed (\$165.00 filing fee for Notice of Appeal, \$210.00 for extension of time). |
| 4. | | The Commissioner is hereby authorized to charge the TOTAL FEE of \$____; \$____ of which to file the Notice of Appeal, \$____ for the one -month Extension of Time fee, and any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A copy of the Transmittal Sheet is enclosed. |

Date

11/4/03

Lisa A. Haile

Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Attorney for Applicant
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1600
San Diego, California 92121-2189

CERTIFICATION UNDER 37 CFR 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date November 4, 2003, addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

CARA GRIFONE

(Name of person mailing paper)

Cara Grifone

Signature

Nov 4, 2003

Date